

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**April 29, 1999**

DIVISION TWO

B119868 People (Not for Publication)  
v.  
Pedroso

The judgment is reversed as to count 1 only, a violation of section 245, subdivision (a)(1). In all other respects, the judgment is affirmed.

Mallano, J. (Assigned)

We concur: Boren, P.J.  
Zebrowski, J.

[illegible]

The Court:

The judgment is affirmed.

Boren, P.J., Zebrowski, J., Mallano, J. (Assigned)

B120954      Optiplast, Inc.      (Not for Publication)  
v.  
Ross Stores, Inc.

The judgment is affirmed. Defendant's cross-appeal is dismissed. Defendant shall recover costs.

Mallano, J. (Assigned)

We concur:   Boren, P.J.  
                      Nott, J.

April 29, 1999-Continued

## DIVISION TWO (Continued)

B119261      Moore                      (Not for Publication)  
v.  
Murphy

The judgment is affirmed.

Mallano, J. (Assigned)

We concur:   Boren, P.J.  
                      Nott, J.

B124363      Montes      (Certified for Publication)  
v.  
Gibbens

The judgment is modified to include an award of general damages in the amount of \$69,411.07. The judgment is otherwise affirmed. Appellant is awarded costs on appeal.

Mallano, J. (Assigned)

We concur: Boren, P.J.  
Zebrowski, J.

## DIVISION THREE

[illegible]

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.  
Aldrich, J.

April 29, 1999-Continued

### DIVISION THREE (Continued)

[illegible]

The order under review is affirmed.

Croskey, Acting P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

B127203      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Kimberly S.  
In re Anthony S., et al.

The judgment is affirmed.

Croskey, Acting P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

B125170      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Keely C.  
In re Annell C.

The orders from which Mother has appealed are affirmed.

Croskey, Acting P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

April 29, 1999-Continued

### DIVISION THREE (Continued)

B128062      Armando D.  
v.  
Superior Court, Los Angeles County  
(Los Angeles County Department of Children & Family Services, r.p.i.)

Filed order modifying opinion certifying it for publication. (No change in the judgment)

DIVISION FOUR

B119148 People (Not for Publication)  
v.  
Hatch

The judgment is affirmed.

Curry, J.

We concur: Epstein, Acting P.J.  
Hastings, J.

B115788 People (Not for Publication)  
v.  
Robb

The judgment is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.  
Curry, J.

April 29, 1999-Continued

## DIVISION FOUR (Continued)

[illegible]

The judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.  
Curry, J.

B127169 People (Not for Publication)  
v.  
Miller

The judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.  
Curry, J.

[illegible]

For the foregoing reasons, we modify the judgment to impose and suspend a fine in the sum of \$200 pursuant to Penal Code section 1202.45 and, as modified, affirm the judgment. The superior court is directed to prepare an amended abstract of judgment which reflects the fine imposed pursuant to Penal Code section 1202.4 and the fine imposed and suspended pursuant to Penal Code section 1202.45.

Curry, J.

We concur: Epstein, Acting P.J.  
Hastings, J.

## DIVISION FOUR (Continued)

B123454 People (Not for Publication)  
v.  
Smith

For the foregoing reasons we remand for resentencing in accord with this opinion, and in all other respects affirm the judgment.

Epstein, Acting P.J.

We concur: Hastings, J.  
Curry, J.

B121054 People (Not for Publication)  
v.  
Gonzalez

under The judgment is modified to reflect a parole revocation fine of \$5,000 under section 1202.45. In all other respects, the judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment.

Epstein, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.

B122735      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Joseph & Diana K.

The judgment with respect to Father (order terminating Father's parental rights and orders relating to adoption) is reversed and the matter is remanded for reconsideration after receipt of the Evidence Code section 730 evaluation of Father. The judgment is otherwise affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.  
Curry, J.

DIVISION FOUR (Continued)

B126030      Los Angeles County, D.C.S.      (Not for Publication)  
                 v.  
                 Terryhea L.

The judgment (order denying petition) is affirmed.

Hastings, J.

We concur:   Epstein, Acting P.J.  
                 Curry, J.

DIVISION FIVE

B124683      People      (Not for Publication)  
                 v.  
                 Daniel A. Gomez

The clerk of the superior court is directed to prepare and deliver to the Department of Corrections an amended abstract of judgment which accurately sets forth the restitution fine imposed against defendant pursuant to Penal Code section 1202.4, subdivision (b)(1). The amended abstract must also reflect the Penal Code section 1202.45 fine. Further, the award of presentence credits is modified to reflect a total of 258 days of presentence credits including 86 days of conduct credits. In all other respects, the judgment is affirmed.

Turner, P.J.

We concur:   Grignon, J.  
                 Godoy Perez, J.

B121674      People      (Not for Publication)  
                 v.  
                 Un Ho

The judgment is affirmed.

Armstrong, J.

We concur:   Turner, P.J.  
                 Grignon, J.

## April 29, 1999-Continued

## DIVISION FIVE (Continued)

B116777 People (Not for Publication)  
v.  
Arthur Leroy Fairwell

The judgment in count 2 is reversed. In all other respects, the judgment is affirmed. The clerk of the superior court is directed to prepare an amended abstract of judgment to reflect: (1) separate \$200 fines pursuant to Penal Code sections 1202.4, subdivision (b) and 1202.45, the latter fine to be suspended unless defendant violates parole; and (2) presentence credits of 211 days, consisting of 184 days of actual credit and 27 days of conduct credit. The superior court clerk is then to deliver the corrected abstract of judgment to the Department of Corrections.

Kriegler, J. (Assigned)

We concur:   Turner, P.J.  
                      Grignon, J.

B127965      Mylan Laboratories Inc.      (Not for Publication)  
v.  
Terrence Soon-Shiong et al.

B128617 Vivorx, Inc., et al.  
v.  
The Superior court of Los Angeles County  
(Mylan Laboratories Inc., R.P.I.)

The order and decree of winding up and dissolution of Vivorx, Inc., is reversed. The petition for writ of mandate is granted, and the cause is remanded for proceedings consistent with the views expressed in this opinion. Defendants are awarded costs on appeal.

Kriegler, J. (Assigned)

We concur:   Turner, P.J.  
                   Godoy Perez, J.

April 29, 1999-Continued

DIVISION FIVE (Continued)

B114721      People                                  (Not for Publication)  
v.  
Dale J. Jung et al.

The judgments of conviction are modified to show a parole revocation restitution fine of \$10,000, suspended, and the clerk of the superior court is directed to correct the abstract of judgment to reflect both restitution fines and to forward the corrected abstract of judgment to the Department of Corrections. The judgments are affirmed in all other respects.

Grignon, J.

I concur: Turner, P.J.  
I dissent: Armstrong, J.(Opinion)

B120251      People  
v.  
Melvin E. Hanson

Filed order denying petition for rehearing.

DIVISION SIX

B125700      Dain                                  (Not for Publication)  
v.  
County of Ventura

The judgment is affirmed.

Coffee, J.

We concur:    Gilbert, Acting P.J.  
                         Yegan, J.

April 29, 1999-Continued

## DIVISION SIX (Continued)

B121788      Balloni                          (Not for Publication)  
v.  
Ziliotto

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The summary judgment is affirmed. Costs are awarded to respondents.

Gilbert, Acting P.J.

We concur: Yegan, J.  
Coffee, J.

B118196      People  
v.  
Henderson

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

B122445 People (Not for Publication)  
v.  
Perez

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.  
Burke, J. (Assigned)

B125065 People (Not for Publication)  
v.  
Mendoza

The order denying appellant's suppression motion is affirmed.

Yegan, J.

We concur:    Gilbert, Acting P.J.  
                      Burke, J. (Assigned)

April 29, 1999-Continued

## DIVISION SIX (Continued)

[illegible]

The judgment is affirmed.

Coffee, J.

We concur:    Gilbert, Acting P.J.  
                      Yegan, J.

B126194 People (Not for Publication)  
v.  
Escobedo

The judgment is affirmed.

Coffee, J.

We concur:    Gilbert, Acting P.J.  
                      Yegan, J.

B125066 People (Not for Publication)  
v.  
Gomez

The judgment is affirmed.

Gilbert, Acting P.J.

We concur: Yegan, J.  
Coffee, J.

April 29, 1999-Continued

## DIVISION SIX (Continued)

B127463      People                          (Not for Publication)  
v.  
Lee

The judgment is affirmed.

Coffee, J.

We concur:    Gilbert, Acting P.J.  
                      Yegan, J.

B126756 People (Not for Publication)  
v.  
Williams

The judgment is affirmed.

Coffee, J.

We concur:    Gilbert, Acting P.J.  
                      Yegan, J.

B127395 People (Not for Publication)  
v.  
Rutherford

The judgment is affirmed.

Gilbert, Acting P.J.

We concur: Yegan, J.  
Coffee, J.

April 29, 1999-Continued

## DIVISION SEVEN

B119060      Lurye      (Certified for Publication)  
v.  
City of West Hollywood et al.

The judgment is reversed. Appellant to recover his costs on appeal.

Johnson, J.

I concur: Lillie, P.J.

I concur in the judgment only: Woods, J.